

**OPINION
49-149**

February 26, 1949 (OPINION)

OFFICERS

RE: County Judge

Your letter of February 22, stating that Judge Backlund of the LaMoure County court has acted at the written request of the county judge of Ransom County in several matters. You also state that Judge Backlund has submitted a bill covering the actual expenses he incurred and a per diem.

It is our opinion that the judge, whether he is acting as judge in his own county or an adjoining county pursuant to law, is drawing a salary covering his official acts and that he is not entitled to a per diem while acting outside of his county. However, he most certainly is entitled to his actual and necessary expense.

WALLACE E. WARNER

Attorney General